

APPROVED: Meeting No. 17-84

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 13-84

May 14, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 14, 1984, at 8:00 p.m.

PRESENT

Mayor pro tem John Tyner

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

ABSENT

Mayor John R. Freeland
Vacation

The Mayor pro tem in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Bob Groff, in the License and Inspection Department, former Assistant Superintendent has been promoted to Superintendent. Judith Fine a Georgetown University Architectural Graduate has been made Plans Examiner and Bob Brown, former Plans Examiner for the City has come back from a short stint with Fairfax County to become the Assistant Superintendent.

2. Last Thursday, the County Council passed Bill 9-84, "Application of County Legislation within Municipal Corporations" bill. It will become effective in 181 days. The City Manager is meeting this week with the City Attorney

to outline Rockville's process for reviewing the 59 chapters of County law to plan for the City's work session on the issue.

3. A report will be ready for the Council next week along with recommendations for the handling of the crab apple problem that exists in the City. When completed the recommendations and alternatives will be sent to the garden clubs and civic associations.

4. The Recreation and Park Staff was commended for the effort extended in making Rockville Day, yesterday, so successful. It was the largest crowd to attend.

5. Today the contractor paved North Washington Street from Jefferson to Middle Lane. Tomorrow it will be done from Beall to Middle Lane.

Councilman Abrams said yesterday celebrations was one of the best. Mayor pro tem Tyner agreed and suggested the ski divers be recruited for next year.

Re: Proclamation: Rockville
Poppy Day, May 28

Proclamation No. 7-84

There being no objection from the Council, Mayor pro tem Tyner proceeded to issue Proclamation No. 7-84, proclaiming May 28, 1984, as Poppy Day. Councilman Duncan read the proclamation at the request of the acting Mayor in which it was urged that all citizens participate in this commemoration. Marilyn Rykoskey accepted the proclamation on behalf of the American Legion and introduced Miss Lauren Keller, Miss Memorial Day Poppy. Mr. Gino Capotosto briefed the audience on the campaign to raise the flag on the F. Scott Fitzgerald Triangle. He presented a copy of the check to the City, the Legion's donation to the fund. He said last Saturday night the Legion staged a benefit for the project and the total received contributions to date are \$5,080. The Mayor and Council thanked the American Legion for its efforts on behalf of the citizens.

Re: Proclamation: Historic
Preservation Week - May
14-19 Presentation of Awards

Proclamation No. 8-84

There being no objection from the Mayor and Council, Mayor pro tem Tyner proceeded to issue Proclamation No. 8-84, proclaiming May 14-19 as Preservation Week in Rockville. Councilman Abrams read the proclamation in which it was urged that the citizens of Rockville recognize and participate in the special observance. Mr. Robert Weirich, President of Peerless Rockville, presented the sixth annual awards for preservation to the following: 1) Mr. & Mrs. Dickerson of 12 Wall Lane, 2) Dr. & Mrs. Halpern for the Rockville Academy, 3) The Hines Industrial Corporation for Woodmont Place, 4) John duFief and Christopher Lapp for 601 Grandin Avenue. 5) Joseph Adams of the Adams Group for the B&O Railroad Station.

Re: Proclamation: Municipal
Clerk's Week - May 13-19

Proclamation No. 9-84

There being no objection from the Council, Mayor pro tem Tyner proceeded to issue Proclamation No. 9-84 proclaiming the week of May 13-19 as Municipal Clerk's Week. Councilwoman Hovsepien read the proclamation at the request of the Mayor pro tem. Helen Heneghan accepted the proclamation on behalf of the Clerk's organization.

Re: Appointments

Mayor pro tem Tyner made the following appointments, they were confirmed by the Council.

Economic Development Council: Jack Sprague - 2-year term
858 Ivy League Lane

Recreation And Park Board: Steven Edwards - appointed 1-year term as Chairman

Animal Control Board: Linda Buel - three year term as Alternate
609 South Stonestreet Avenue

Ann Holt, DVM - three-year term as member
4 Orchard Way North

Re: Student Government Day
Report with Recommenda-
tions on Community Policy
Issue and Community Problem

Rusty Wallace, Youth Services Coordinator, presented a brief overview of the Student Government Day projects and introduced the participants: Roger Foote, Mayor; Karyn Thompson, Councilmember; Nancy Sullivan, Councilmember; Randi Himelfarb, Councilmember; Barry Tom, Councilmember; Jamie Beatty, City Manager; Susan Lantzy, Assistant City Manager; Vick Khera, Director of Recreation & Park; Michael Langley, Police Chief; Steven Parker, City Attorney; Rhonda Tanneris, Director of Community Resources; Heather Hanson, Director of Finance.

Student Mayor Roger Foote presented the Council with a resolution to maintain the minimum drinking age at 21. Student City Manager Jamie Beatty presented the Council's recommendation to address the problems associated with the Ritchie Center Shopping Plaza. Mayor pro tem Tyner presented each individual student with a certificate of merit for participation. He commended them on their interest and suggested they stay involved with the City.

Re: Citizen's Forum

The Mayor pro tem opened the meeting to those citizens who wished to address the Mayor and Council:

1. Gene Molton, 201 Twinbrook Parkway. Mrs. Molton addressed the Council and informed them of a dangerous situation that exists at the intersection of Twinbrook Parkway and Veirs Mill Road where the Ride On bus stop has been placed on 120 feet from the intersection. She recounted the problems and accidents that have occurred at that location including the near misses due to the narrow lane, busy intersection and "Right Turn on Red". She suggested the bus stop be

moved up the street across from the southbound bus stop, either at 207 or at the intersection of Twinbrook and McAullife.

2. Mr. Don Zetzel, 203 Twinbrook Parkway. Mr. Zetzel reiterated Mrs. Molton's concerns and suggested and asked that the Mayor and Council look into it. Mayor pro tem Tyner asked the City Manager to come back with a report. Councilwoman Hovsepien said she has visited that particular area and there is no space to pass the bus. She further added that a study should be done of the entire intersection which remains dangerous.

There being no other citizen wishing to be heard, the Mayor pro tem closed the citizen's forum portion of the meeting.

Re: Public Hearing: Proposed
Permit Parking District -
Fletcher Place

The Mayor and Council conducted a public hearing on a proposed permit parking district on Fletcher Place and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard the Mayor pro tem closed the hearing and left the record open for three weeks.

Re: Public Hearing: Map
Amendment M-38-84, Michael
Friedman, Applicant,
request to rezone 206
Monroe Street from R-60
Residential, to O-2,
Office Zone

Re: Public Hearing: Map
Amendment M-39-84, Michael
Friedman, Applicant,
request to rezone 204
Monroe Street from R-60,
Residential to O-2 Office
Zone

The Mayor and Council conducted a public hearing on Map Amendment Application M-38-84 and M-39-84 to rezone 206 Monroe Street and 204 Monroe Street, respectively, from the R-60 Residential Zone to O-2 Office Zone and heard those

persons as will be found in the official transcript of the public hearing.

There being no other citizen wishing to be heard, the Mayor pro tem closed the hearing with the record to be held open for three weeks.

Re: Adoption of Ordinance: To
grant Text Amendment
Application, T-57-84,
David D. Frieshtat, Appli-
cant, requesting a new
subsection be added to the
Zoning Ordinance to
address problems relative
to off-street parking

Ordinance No. 20-84

On motion of Councilman Abrams, duly seconded and passed, Councilmembers Abrams, Duncan and Hovsepian voting aye and Mayor pro tem Tyner vote nay, Ordinance No. 20-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, was adopted, granting the Planning Commission the power to grant waivers of parking regulations in the O-2 zone. Mayor pro tem Tyner commented that he had been opposed by this particular text amendment when it was previously considered by the Council and has seen nothing to change his mind.

Re: Adoption of Ordinance:
Text Amendment Applica-
tion, T-58-84, Planning
Commission, Applicant,
requesting an amendment to
the Zoning Ordinance to
correct a footnote which
affects building lines in
the TCO-1 zone.

Ordinance No 21-84

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 21-84, the full text of which can be found in Ordinance Book No. 12, correcting a footnote which affects building lines in the TCO-1 Zone, was adopted by the Mayor and Council.

Re: Endorsement of Community
Housing Resources Board
participation in New
Horizons Program

The Montgomery County Community Housing Resources Board (CHRB) has been selected by the U. S. Department of Housing and Urban Development to participate in the New Horizons Program. There is \$55,000 in Federal funds available to CHRB for this activity if it submits a grant application no later than May 16, 1984.

The New Horizons Program is a comprehensive approach to fair housing which coordinates the efforts to a jurisdiction through the leadership of its elected officials. It is intended to identify barriers to achieving equal housing and to provide means to eliminate institutional housing discrimination.

CHRB has requested a commitment letter from the Mayor and Council of Rockville pledging support to the goals of the New Horizons program.

The Mayor and Council considered the letter submitted. Councilman Abrams expressed his concern with the letter hence it would seem that submission of the letter acknowledges the existence of a problem in the City and a commitment to correct it. The City Manager said there have been two complaints in three years, one was dismissed and the other was withdrawn. It is possible that an elaborate mechanism is being set up and there is no problem. He sees no evidence that there is a need for the program. Mrs. Simons, Director of CHRB, addressed the Council and explained that it is a State-wide program and stresses a written commitment to be involved. Councilwoman Hovsepian said she is satisfied that it is a worth while effort, Councilman Duncan said he has no problem with the letter and sees no problem existing. Councilman Abrams continued to stress his concern with the presumption of a problem. He asked that the staff review the mechanisms currently in place. A letter must be carefully crafted to satisfy the Council and be satisfactory to HUD. He has no

problem with the City's neutrality but any presumption of guilt becomes a problem with him. Mayor pro tem Tyner said the programming is more on a State level and is a State wide study. Councilman Abrams said his concern is the letter does not say that but he has no problem in endorsing a federal program. Again, Mrs. Simons addressed the Council and outlined the goals of the program. After further discussion the Council agreed on some changes to be made to the letter submitted to them.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the letter was approved.

Re: Resolution: To approve an amendment to the City pension Plan to provide for an increase in benefits to employees who retired since 1972

Resolution No. 20-84

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Resolution No. 20-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving an amendment to the Pension Plan for an increase in retirement benefits, was approved by the Mayor and Council.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Rockville PTSA re student government day
2. Certificate for Rockville participation in Keep Montgomery County Beautiful
3. County Executive's response to City comments on County budget
4. Maryland DOT, re I-270 project planning study

Councilwoman Hovsepian asked that this letter be sent to the civic associations affected and the people who attend the work session.

Re: Information Items

1. Memo re Dawson Park screening
2. Proposed Lincoln Park Housing Plan
3. Contract awards \$7500-\$20,000 January 1 - March 31, 1984
4. Letter to County Executive from MML Chapter re Cable television
5. Information on 506 Anderson Avenue
6. Public Works Department Status Report
7. Copy of letter to Delegate Gordon re Rt. 28/Monroe Street intersection
8. Senior Center newsletter
9. Memo re Use of City fire hydrants by private parties

Re: New Business

1. The City Attorney told the Mayor and Council that a letter had been received from the attorney for the applicant in exploratory application RTH-4-83, requesting that the applicant be allowed to withdraw the application. On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, staff was instructed to prepare the necessary legal documentation for the next agenda for the Mayor and Council consider this withdrawal.

2. Councilman Duncan said a letter had been received from Richard Ferrara of Montgomery County, requesting the City's final answer by the end of this month on the spending of CDBG funds.

3. Councilman Duncan said a group of Canadian Boy Scouts will be visiting the City this coming weekend. He said he would like a proclamation of welcome for them. The Mayor and Council agreed to do this.

4. Councilman Abrams asked if the staff would prepare a list of sites available in the City in the vicinity of Gude Drive, Rt. 355 etc on the outskirts of the City that might be used for Metro satellite parking.

5. Mayor pro tem Tyner asked that the staff submit a list of prices to accompany the Lincoln Park Housing Action Plan that was sent to the Council.

Meeting No. 13-84

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May 14, 1984

Re: Executive Session

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session the meeting was adjourned at midnight to convene again in work session on Thursday, May 17, 1984, at 7:30 p.m. or at the call of the Mayor.